

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
NW/5 Franklin Square Drive, * DEPUTY ZONING COMMISSIONER
965' NE of Lennings Avenue
14th Election District * OF BALTIMORE COUNTY
6th Councilmanic District
Helix Health System, Inc. * Case No. 91-95-SPH
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve an extension of the time period for utilization of the special exception previously granted in Case No. 89-26-X to Franklin Square Hospital Center, Inc. for an elderly housing facility from two years to four years, as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by Richard A. Ayd, Vice President, Franklin Square Hospital Center, a subsidiary of Helix Health System, Inc., appeared, testified and was represented by Robert J. Ryan, Esquire. Also appearing on behalf of the Petitioner were Kris Baldock, Vice President, Meridian Retirement Center, Inc., George E. Gavrellis, Professional Engineer with Daft-McCune-Walker, Inc. There were no Protestants.

Testimony indicated that the subject property consists of 27.00 acres zoned D.R. 5.5 and is located on Franklin Square Drive adjoining Franklin Square Hospital Center. Said property was granted a special exception in Case No. 89-26-X to construct an elderly housing facility on October 3, 1988. Petitioner thereafter filed a request for an extension of time in which to utilize the special exception granted on an interim basis from October 3, 1990 through December 1, 1990 and was granted same on September 24, 1990. Testimony indicated that shortly after the granting of the original special exception, Petitioner made application with

the Department of Housing and Urban Development (HUD) for mortgage guarantees for the purpose of developing the elderly housing facility. Due to unexpected delays, the mortgage process has not been completed as of this date. Petitioner expects final HUD approval within the next 90 to 120 days. Testimony indicated that the project has been modified in accordance with that set forth in Petitioner's Exhibit 1 due to requests by HUD.

Testimony indicated that the granting of the relief requested herein will not result in any detriment to the health, safety or general welfare of the surrounding community. Further, Petitioner argued that the modification of the site plan previously approved in Case No. 89-26-X is within the spirit and intent of the original relief granted.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 19th day of October, 1990 that the Petition for Special Hearing to approve an extension of the time period for utilization of the special exception previously granted in Case No. 89-26-X to Franklin Square Hospital Center, Inc. for an elderly housing facility, in accordance with Petitioner's Exhibit 1, from two years to October 2, 1992, be

and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) Prior to the issuance of any permits, Petitioner must provide all details required by all County agencies as a result of the modification to the originally approved site plan, including, but not limited to, all applicable zoning data.
- 3) Petitioner shall submit for review by the Office of Planning and Zoning a red-lined site plan detailing and itemizing each change in addition to a final building permit plan under seal of a registered professional engineer, land surveyor or title attorney.
- 4) The relief granted herein is based upon the understanding that the modified site plan shall comply with all zoning regulations and County requirements.
- 5) Compliance with all Zoning Plans Advisory Committee comments, including, but not limited to, the comments submitted by the Deputy Director of Planning dated October 15, 1990.
- 6) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

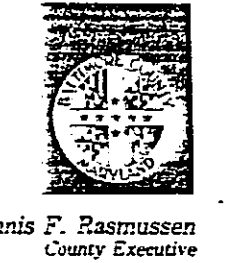
ORDER RECEIVED FOR FILING
Date 10/19/90
By [Signature]

AMN:bjjs

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 387-3353
J. Robert Haines
Zoning Commissioner

October 19, 1990



Robert J. Ryan, Esquire
4111 E. Joppa Road
Baltimore, Maryland 21236

RE: PETITION FOR SPECIAL HEARING
NW/5 Franklin Square Drive, 965' NE of Lennings Avenue
14th Election District - 6th Councilmanic District
Helix Health System, Inc. - Petitioner
Case No. 91-95-SPH

Dear Mr. Ryan:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjjs

cc: People's Counsel

File

PETITION FOR SPECIAL HEARING
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-95-SPH

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto, and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an extension of the time period for utilization of the special exception granted to Franklin Square Hospital Center, Inc. on the northwest side of Franklin Square Drive for an elderly housing facility in Case No. 89-26-X from two (2) years to four (4) years.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Legal Owner(s):
(Type or Print Name) HELIX HEALTH SYSTEM, INC. (Parent of
Franklin Square Hospital Center)
Signature: [Signature] MAY 1990
Address: Gregory D. Bellware, Sr., Vice Pres.
(Type or Print Name)
City and State: Baltimore, MD 21236
Attorney for Petitioner: Robert J. Ryan
(Type or Print Name)
Signature: [Signature]
Address: 4111 E. Joppa Road
City and State: Baltimore, MD 21236
Attorney's Telephone No.: 529-4600
Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
Gregory D. Bellware
Helix Health System, Inc.
2330 W. Joppa Rd., Suite 301
Lutherville, MD 21093 Phone No. 296-6050

ORDERED By The Zoning Commissioner of Baltimore County, this 19th day of October, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 19th day of October, 1990, at 10 o'clock

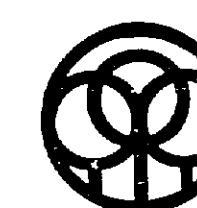
Zoning Commissioner of Baltimore County

PETITION FOR SPECIAL EXCEPTION
FRANKLIN SQUARE HOSPITAL CENTER, INC.

Special Exception Requested:

1. For use of the property for construction of an elderly housing facility with permitted accessory uses as authorized by Section 1801.1.C.21 and 22 and in accordance with the provisions of Section 432 added by Bill 36-88.
2. For a modification or waiver of maximum residential density to approve an increase in the residential density from one hundred forty-eight (148) dwelling units to two hundred seventy-five (275) density units for an elderly housing facility on the campus of Franklin Square Hospital Center, Inc. as permitted by Section 1801.1.C.21 and 22 and Sections 432.1 and 432.2B added by Bill 36-88.
3. For a waiver of the maximum building height in a residential (DR 5.5) zone to permit construction of an elderly housing facility up to a maximum height of fifty-two (52) feet as permitted by Section 432.2B added by Bill 36-88.
4. To permit a maximum width of building elevations of four hundred fifty (450) feet and six hundred fifty (650) feet instead of the three hundred (300) feet pursuant to the provisions of Section 1801.2B2.

DAFT-MCCUNE-WALKER, INC.



200 East Pennsylvania Avenue
Towson, Maryland 21204
Telephone: 301-296-3333
Land Planning Consultants
Landscape Architects
Engineers & Surveyors

Description

To Accompany Zoning Petition

25.690 Acre Parcel

Northwest Side of Franklin Square Drive

Approximately 965 Feet Northeastly of Lennings Avenue

Fourteenth Election District, Baltimore County, Maryland.

Beginning for the same at a point at the end of the two following courses and distances from the centerline intersection of Lennings Avenue at Franklin Square Drive (1) Northeastly 965 feet measured along the centerline of Franklin Square Drive, and thence (2) running northwesterly at right angles to said centerline 40.00 feet, thence leaving said point of beginning and leaving the right-of-way line of Franklin Square Drive and running (1) North 36 degrees 12 minutes 00 seconds West 580.08 feet, thence (2) North 43 degrees 45 minutes 35 seconds East 1600.61 feet, thence (3) South 62 degrees 39 minutes 30 seconds East 603.06 feet to the northwest right-of-way line of Franklin Square Drive aforesaid, thence running and binding on the northwest right-of-way line of said Franklin Square Drive, the seven following courses and distances, viz: (4) South 33 degrees 12 minutes 00 seconds West 393.25 feet, thence (5) southwesterly by a line curving to the right having a radius of 1965.00 feet for a distance of 174.66 feet (the arc of said curve being subtended by a long chord bearing South 35 degrees 51 minutes 44 seconds West 174.61 feet), thence (6) South 80 degrees 28 minutes 52 seconds East 27.33

feet, thence (7) southwesterly by a line curving to the right having a radius of 1989.00 feet for a distance of 231.63 feet (the arc of said curve being subtended by a long chord bearing South 41 degrees 15 minutes 00 seconds West 231.50 feet), thence (8) North 80 degrees 28 minutes 52 seconds West 29.41 feet, thence (9) southwesterly by a line curving to the right having a radius of 1965.00 feet for a distance of 170.72 feet (the arc of said curve being subtended by a long chord bearing South 47 degrees 34 minutes 08 seconds West 170.67 feet) and thence (10) South 50 degrees 03 minutes 25 seconds West 915.44 feet to the point of beginning; containing 25.690 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

Our Job No. 82067-E (L82067E.2)

May 16, 1988





Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
N: 3396

Date: 9/13/90
PUBLIC HEARING FEES
QTY PRICE
040-SPECIAL HEARING (OTHER) 1 X \$175.00

TOTAL: \$175.00

LAST NAME OF OWNER: HELIX HEALTH SYS.
PARENT OF FRANKLIN SQUARE HOSPITAL CENTER, INC.

040040070N1CHRC
BA C011:00AM9-13-90 \$175.00

Please make checks payable to: Baltimore County

Cashier Validation:

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 14th Date of Posting: 9/23/90
Posted for: Special Hearing
Petitioner: Franklin Square Hospital Center, Inc.
Location of property: NW/4 Franklin Square Drive, 965' NE of Lennings Avenue
Location of Sign: Facing Franklin Square Drive, across 15' Fr. too busy
Remarks: property of Helix Health
Posted by: [Signature]
Number of Signs: 7

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(801) 887-3353

J. Robert Haines
Zoning Commissioner

SEPTEMBER 13, 1990

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Special Hearing
CASE NUMBER: 91-95-SPH
NW/4 Franklin Square Drive, 965' NE of Lennings Avenue
14th Election District - 6th Councilmanic
Petitioner(s): Franklin Square Hospital, Inc.
HEARING: THURSDAY, OCTOBER 11, 1990 at 1:00 p.m.

Special Hearings To extend the Special Exception granted in case #89-26-X from October 3, 1990 to October 3, 1992.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Helix Health System, Inc.
Robert J. Ryan, Esq.

CERTIFICATE OF PUBLICATION

Office of

THE AVENUE NEWS

442 Eastern Blvd.
Baltimore, Md. 21221

Sept 20, 1990

THIS IS TO CERTIFY, that the annexed advertisement of Franklin Square Hospital in the matter of Zoning Hearings, Case # 91-95-SPH P.O. #010814, Reg. # M46081, 87.5 lines @.55 or \$48.12

was inserted in The Avenue News a weekly newspaper published in Baltimore County, Maryland once a week for successive week(s) before the 21st day of Sept 1990 that is to say, the same was inserted in the issues of Sept 20, 1990

The Avenue Inc.
per publisher

By [Signature]
Dennis F. Rasmussen
County Executive

NOTICE OF HEARING

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J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9-25, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9-20, 1990

THE JEFFERSONIAN.

Publisher

\$42.70

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
N: 3621

Account: R-001-6150
Number

Date:

10/10/90

M9100302

PUBLIC HEARING FEES
QTY PRICE
080-POSTING SIGNS / ADVERTISING 1 X \$115.82

TOTAL: \$115.82

LAST NAME OF OWNER: HELIX HEALTH SYS.

040040070N1CHRC
BA C012:48PM10-12-90 \$115.82

Cashier Validation:

Please make checks payable to: Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(801) 887-3353
J. Robert Haines
Zoning Commissioner

october 4, 1990

Robert J. Ryan
4111 E. Joppa Road
Baltimore, MD 21236

Dennis F. Rasmussen
County Executive

RE: Item No. 106, Case No. 91-95-SPH
Petitioner: Helix Health System, et al
Petition for Special Hearing

Dear Mr. Ryan:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

[Signature]
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Gregory D. Bellware, Sr.
Helix Health System, Inc.
2330 W. Joppa Road, Suite 301
Lutherville, MD 21093

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(801) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 13th day of September, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

[Signature]
Chairman,
Zoning Plans Advisory Committee

Petitioner: Helix Health Systems, Inc., et al
Petitioner's Attorney: Robert J. Ryan

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
September 28, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING
FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES CEB
SUBJECT: ZONING ITEM #: 106
PROPERTY OWNER: Helix Health System, Inc.
LOCATION: NW/4 Franklin Square Drive, 965' (+/-)
NELY Lennings Avenue
ELECTION DISTRICT: 14th
COUNCILMANIC DISTRICT: 6th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- (X) PARKING LOCATION (X) RAMPS (degree slope)
- (X) NUMBER PARKING SPACES (X) CURB CUTS
- (X) BUILDING ACCESS (X) SIGNAGE
- PLAN DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
- A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.
- A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
- STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).
- OTHER - Compliance to the Code in force at the time of permit application shall be required. All drawings and data sheets shall be signed & sealed by a registered in MD professional Architect or Engineer. PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

91-95-SPH

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: October 3, 1990
 FROM: Robert W. Bowling, P.E.
 RE: Zoning Advisory Committee Meeting
 for October 2, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 33 (revised), 73, 94, 89, 101, 102, 103, 104, 105, 106, 108, 110, 111 and 112.

Item 107 is subject to the previous County Review Group comments.

For Item 109, a County Review Group Meeting is required. Church Lane is to be improved as a 40-foot paving section on a 60-foot right-of-way.

Robert W. Bowling
 ROBERT W. BOWLING, P.E., Chief
 Developers Engineering Division

RNB:s

RECEIVED

10/4

91-95-A

OCT 11, 1990

Baltimore County
 Fire Department
 700 East Joppa Road, Suite 901
 Towson, Maryland 21204-5500
 (801) 887-4500
 Paul H. Reincke
 Chief

OCTOBER 9, 1990

Dennis F. Rasmussen
County Executive

J. Robert Haines
 Zoning Commissioner
 Office of Planning and Zoning
 Baltimore County Office Building
 Towson, MD 21204

RE: Property Owner: HELIX HEALTH SYSTEM, INC.

Location: NW/S FRANKLIN SQUARE DRIVE

Item No.: 106 Zoning Agenda: OCTOBER 2, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. Buildings shall have paved access for fire apparatus within 30 feet of buildings.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *CH* *10/11/90* *12-9-90* Noted and Approved *Captain J. E. Brad*
 Planning Group Fire/Prevention Bureau
 Special Inspection Division

JK/KEK

Received
10/11/90
revised copy

OCT 11, 1990 91-95-SPA

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
 Zoning Commissioner

DATE: December 5, 1990

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Zoning Variance - Item 106
 Gillis Property
 Chesapeake Bay Critical Area Findings

RECEIVED
 DEC 18 1990
 ZONING OFFICE

SITE LOCATION

The subject property is located at 305 Avondale Road. The site is within the Chesapeake Bay Critical Area and is classified as a Resource Conservation Area (RCA).

APPLICANT'S NAME Mrs. Martha Azalee Gillis

APPLICANT PROPOSAL

The applicant has requested a Special Hearing to approve "a non-conforming use of 2 residential trailers and a kennel".

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMAR 14.15.10.01.D>

Memo to Mr. J. Robert Haines
 December 5, 1990
 Page 2

REGULATIONS AND FINDINGS

1. Regulation: "After program approval, local jurisdictions shall permit the continuation, but not necessarily the intensification or expansion of any use in existence on the date of program approval" <COMAR 14.15.02.07>.

Finding: If this use is recognized as a non-conforming use, then its continuation, but not necessarily its intensification shall be permitted.

If this use is not recognized as non-conforming then a new site plan shall be required showing the location of the adjacent stream, the existing trees, all impervious surfaces, and the new locations for the trailers and the vehicle parking.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above.

Upon compliance with Chesapeake Bay Critical Area Regulations, this project will be approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

Robert W. Sheesley
 Robert W. Sheesley, Director
 Department of Environmental Protection
 and Resource Management

RWS:DCF:ju
 Attachment

cc: The Honorable Ronald B. Hickernell
 The Honorable Vincent Gardina
 The Honorable Donald Mason
 Mrs. Janice B. Outen
 Mrs. Martha Gillis

OCT 11, 1990
91-95-SPABALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
 Zoning Commissioner

DATE: October 15, 1990

FROM: Pat Keller, Deputy Director
 Office of Planning and Zoning

SUBJECT: Helix Health System, Inc., Item No. 106

The Petitioner requests a Special Hearing to extend the time period for utilization of a Special Exception granted to Franklin Square Hospital Center, Inc. for an elderly housing facility in Case No. 89-26X.

In reference to this request, staff provides the following comments:

- The Petitioner's site received CRG approval on March 1, 1990 (see XIV-284).

The County recognizes the need for this particular type of development as proposed by the applicant. With regard to elderly housing, the 1989-2000 Baltimore County Master Plan has established the following policy: "The citizens of Baltimore County should be the following policy: 'the citizens of Baltimore County should be made to assist special groups such as the elderly...' Furthermore, an action of this plan under the Community Development heading states, 'As a part of future refinements of zoning and other land use control, consider options such as density unit bonuses, new types and configurations of housing, planned retirement developments and revisions to the regulations for Planned Unit Developments ...'"

Uses such as the one proposed by the Petitioner serve a necessary function in the community. Similar facilities in the county complement the general community because these sites are typically developed and landscaped to meet high standards.

For the reasons stated above, staff recommends the Petitioner's request be granted subject to the following:

- The approved plan should clearly delineate a limit of disturbance.
- Trees to remain after construction should be identified on the plan.

Pat Keller
 10/11/90

Helix Health System, Inc., Item No. 106
 Page Two
 October 15, 1990

- The Petitioner shall submit a landscape plan to the deputy director of the Office of Planning and Zoning prior to the issuance of any building permits.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM106/2AC1

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Richard A. AKD *9000 Franklin Sq. Bldg 2237*
Mrs. Ballock *515 Fairmount Ave. Bldg 21204*
Robert J. Lynn *4111 East Joppa Rd. Bldg 21236*
George E. Carver *200 E. Pennsylvania 21204*

General Notes:

- Election District 14, Councilmanic District 6
- All driveway and parking surfaces shall be provided with a durable, dustless and properly-drained surface maintained so as to not create any undesirable conditions. Widths are shown on plan.
- Total Project - Preliminary Unit Mix

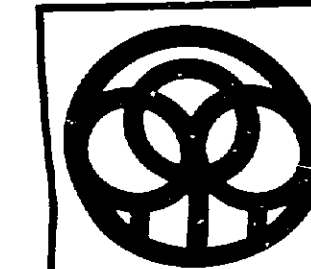
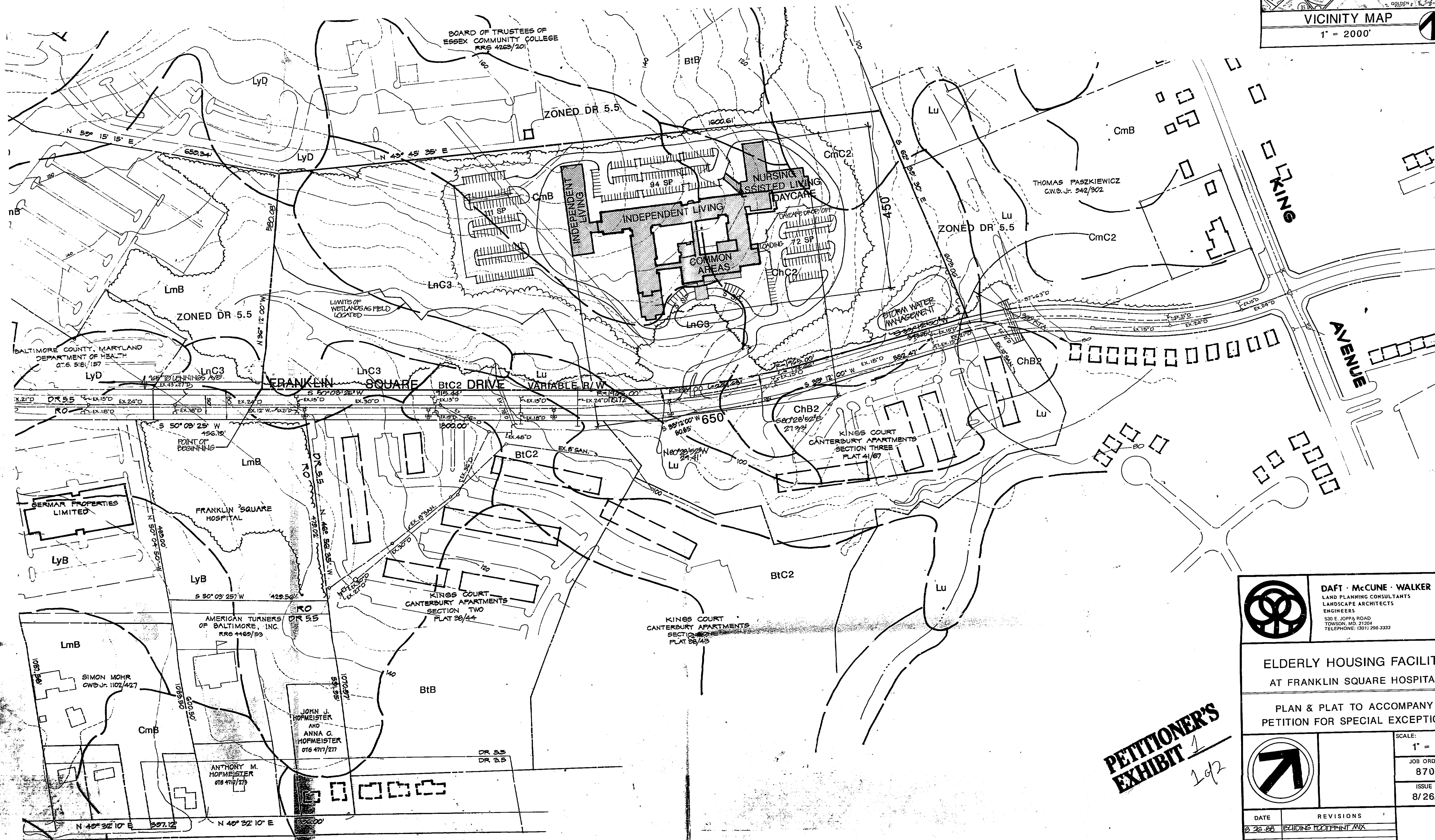
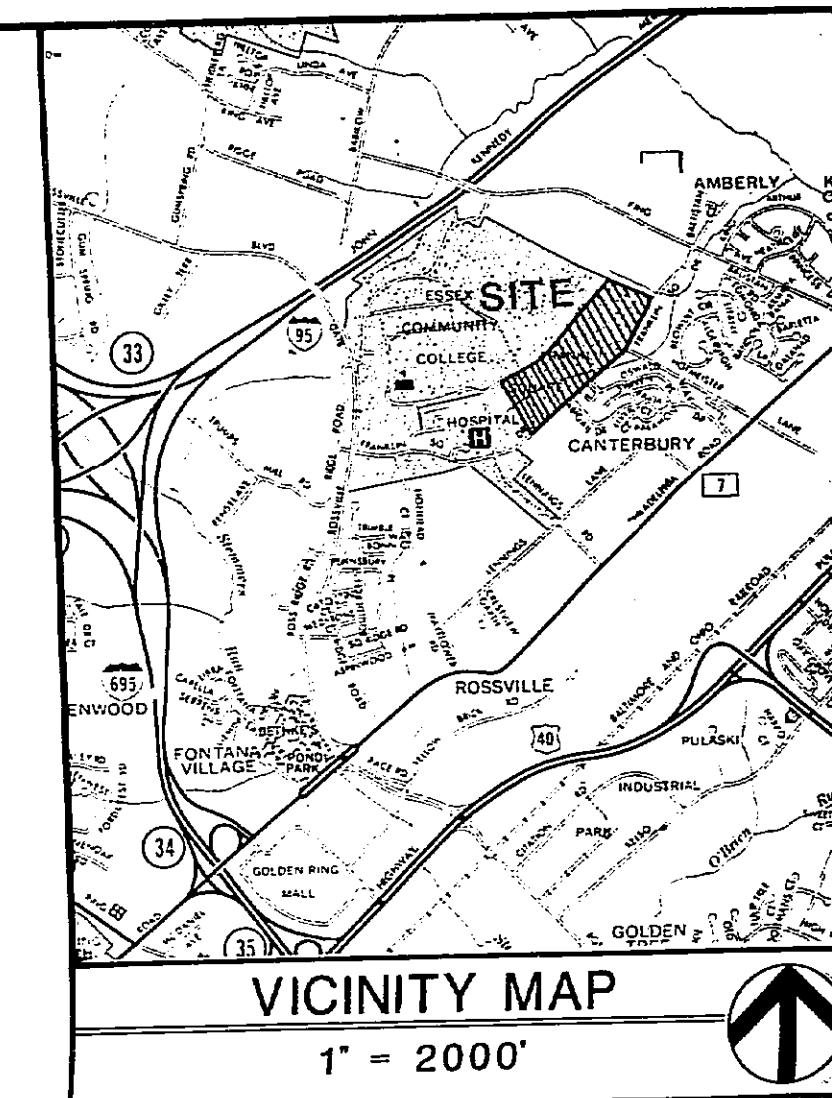
Unit Type	Dwelling Units	Factor	Density Units
2 Bedroom	23	(1.00)	23.00
1 Bedroom w/Den	46	(1.00)	46.00
1 Bedroom	198	(0.75)	148.50
Studio	46	(0.50)	23.00
Assisted living	30 Beds	(0.25)	7.50
Nursing Home	30 Beds	(0.25)	7.50
Total	255 D.U.		222.25 D.U.

This petition seeks a Special Exception to permit a maximum 275 density units for an elderly housing facility on the Franklin Square Hospital campus. The preliminary mix of elderly housing units by type and of assisted living and nursing beds is based on preliminary architectural plans which are subject to modification as final plans are developed. Accordingly, the preliminary mix may be modified if in compliance with the terms of this Special Exception and all applicable zoning standards as are modified by this petition.

- Net Site Area: 25.69 Acres
- Gross Site Area: 27.00 Acres
- Present Zoning: DR 5.5
- Maximum Permitted Dwelling Units at DR 5.5: 148 D.U.
- Maximum Permitted Density Units by Section 431.2 at 40 D.U. per acre: 1,080 D.U.
- Maximum Requested Density Units: 275 D.U.
- Proposed Density: 10.2 D.U./Acre

- Parking Data:
 - 255 Dwelling Units @ 1/2 D.U.: 255 Spaces
 - 30 Assisted living Beds @ 1/2 Beds: 15 Spaces
 - 30 Nursing Beds @ 1/3 Beds: 17 Spaces
 - Total Required Spaces: 287 Spaces
 - Spaces Provided: 287 Spaces
- Site landscaping and screening shall be in compliance with the Baltimore County Landscape Manual.
- All site lighting and any fixture used to illuminate parking areas shall be arranged to reflect light away from adjoining residential premises and public streets.
- On-site stream and drainage courses are as shown.
- The site plan and building footprints are based on preliminary architectural plans which are subject to modification as final plans are developed. Accordingly, site and building plans may be modified if in compliance with the terms of this Special Exception and all applicable zoning standards as are modified by this petition.

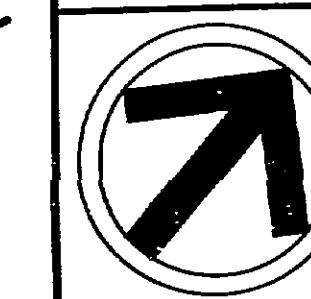
- Applicant/Contract Purchaser: Franklin Square/HMC Limited Partnership c/o Meridian Retirement 21 West Road Towson, Maryland 21204
- Proposed Elderly Housing Facility is 52 feet high as is the height of the Franklin Square Hospital core building.
- Valver No. W-88-153 granted waiver of CRD (meeting and process) by Planning Board on June 16, 1988.
- Local Open Space:
 - Required: 255 units @ 650 S.F./unit = 3.8 Acres
 - Provided: 3.8 Acres
 Open space will be maintained by Franklin Square Hospital/HMC Limited Partnership.
- Average Daily Trips:
 - Retirement Community: 255 units @ 3.3/unit = 841.5 trips/day



DAFT McCUNE WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS
502 E. JOWRA ROAD
TOWSON, MD 21204
TELEPHONE: (301) 296-3333

ELDERLY HOUSING FACILITY AT FRANKLIN SQUARE HOSPITAL

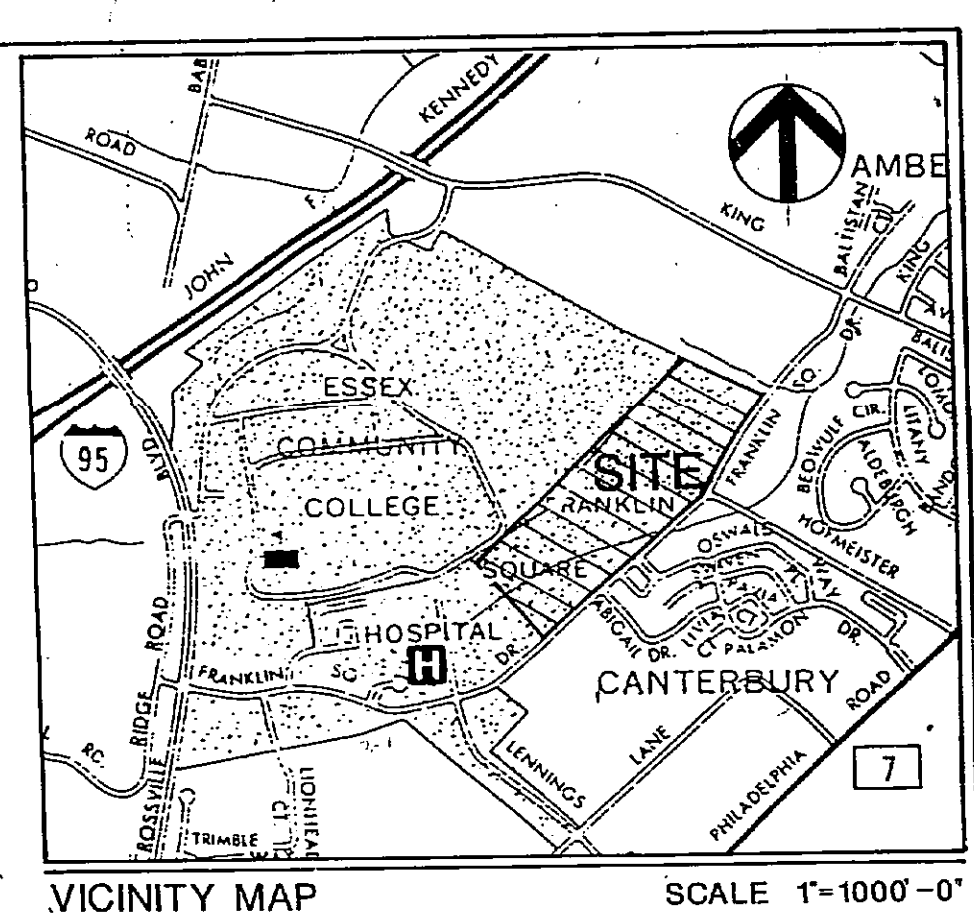
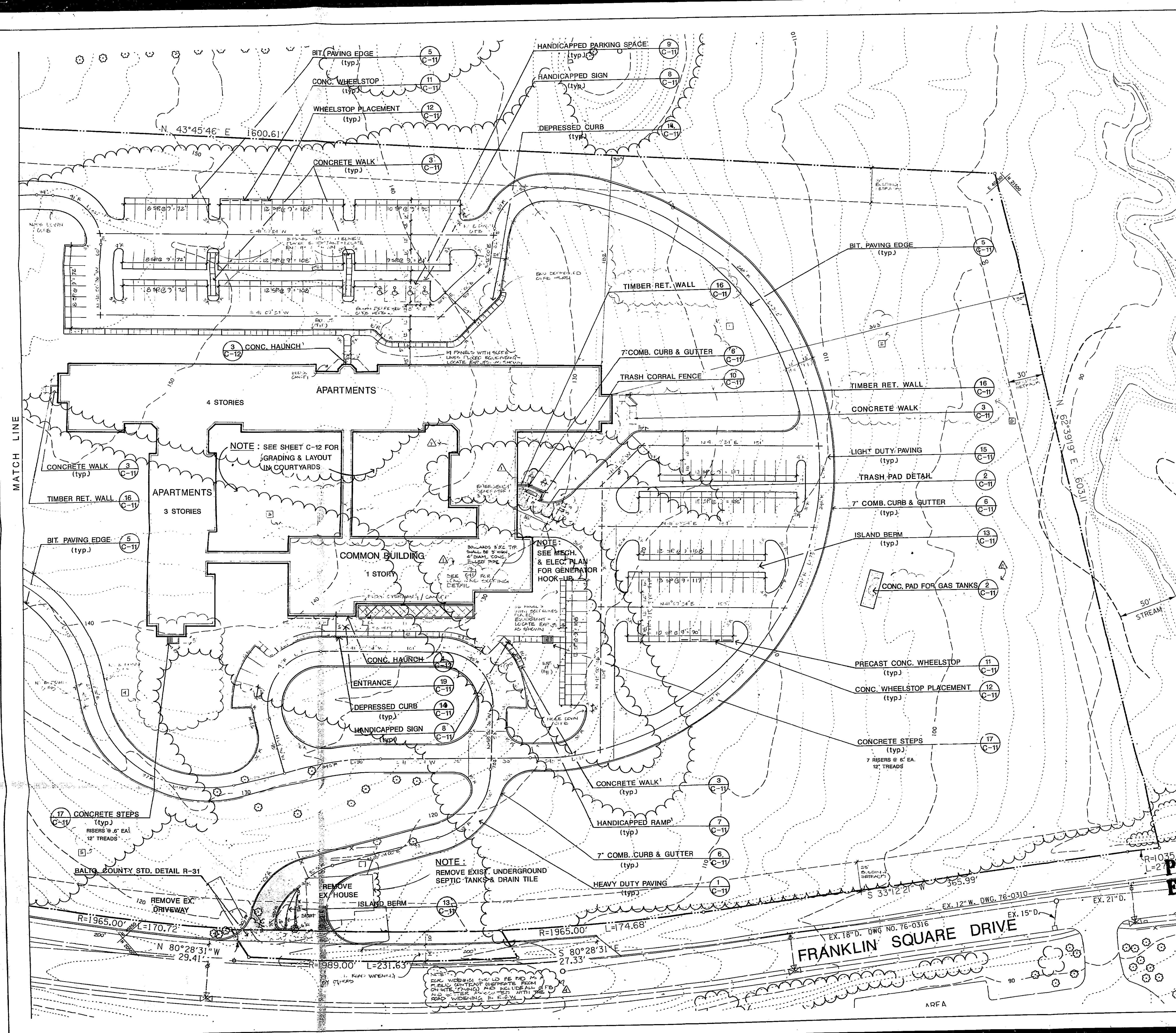
PLAN & PLAT TO ACCOMPANY
PETITION FOR SPECIAL EXCEPTIONS



SCALE:
1" = 100'
JOB ORDER NO.
87055
ISSUE DATE
8/26/88

DATE	REVISIONS
8-26-88	BUILDING FOOTPRINT MIX

PETITIONER'S
EXHIBIT 1
1 of 2



NO.	DATE	REVISION
1	5-25-89	REVISED DETAIL 16 - REFER TO ARCH. DWG.
2	5-25-89	REV. BUSH, SETBACK - REFER TO ARCH. DWG.
3	5-25-89	REFER TO ARCH. DWG.
4	5-25-89	REFER TO ARCH. DWG.
5	5-25-89	REV. RIDGES - REFER TO ARCH. DWG.
6	5-25-89	REV. ADDED TIMBER RET. WALL & CONC. WALK

DAFT McCUNE WALKER INC.
 LAND PLANNING CONSULTANTS
 LANDSCAPE ARCHITECTS
 ENGINEERS, SURVEYORS
 200 EAST PENNSYLVANIA AVENUE
 PHILADELPHIA, PA. 19106
 TELEPHONE 301-296-3333

FRANKLIN WOODS
 at Franklin Square Hospital Center
 (Another Meridian Senior Living Community)

PETITIONER'S EXHIBIT 1

Layout Plan

SCALE: 1" = 30'

JOB ORDER NO. 87055B

ISSUE DATE 2-21-89

C-1

DATE	REVISIONS
5-25-89	REV. DETAIL 16 - REFER TO ARCH. DWG.
5-25-89	REV. BUSH, SETBACK - REFER TO ARCH. DWG.
5-25-89	REFER TO ARCH. DWG.
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